

REMARKS

The above amendments are made in response to the outstanding Final Office Action mailed on January 29, 2009. The Examiner's reconsideration is respectfully requested in view of the above amendments and the following remarks.

Claims 5, 6, 12 and 13 have been amended to more clearly define the subject matter of the claimed invention. Claims 1-4 and 7-11 have previously been cancelled. No new matter has been introduced by these amendments.

Claims 5, 6, 12 and 13 are pending in the present application.

Objection to the Claims

Claims 5, 6, 12 and 13 stand objected to because of informalities.

Applicants have amended Claims 5, 6, 12 and 13 to more clearly define the subject matter of the claimed invention, and to correct all the informalities in the preamble portions thereof.

Applicants respectfully request the Examiner to reconsider the amended Claims 5, 6, 12 and 13 and withdraw the objection to the claims.

Claim Rejections Under 35 U.S.C. §112

Claims 5, 6, 12 and 13 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In response, Claims 5, 6, 12 and 13 have been amended to more clearly define the subject matter thereof. Applicants have corrected all the unclear and indefinite claim languages.

Applicants respectfully request the Examiner to reconsider the amended Claims 5, 6, 12 and 13 and withdraw the rejection of the claims under 35 U.S.C. § 112, second paragraph.

Claim Rejections Under 35 U.S.C. §103

Claims 5, 6, 12 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nakamura (U.S. Application Publication No. 2002/0025379; hereinafter, “Nakamura”) in view of Miyaka (U.S. Patent No. 6,116,728).

In order for an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996). See MPEP 2143.

Establishing a *prima facie* case of obviousness requires that all elements of the invention be disclosed in the prior art. *In re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970). Further, even assuming that all elements of an invention are disclosed in the prior art, an Examiner cannot establish obviousness by locating references that describe various aspects of a patent applicant’s invention without also providing evidence of the motivating force which would have impelled one skilled in the art to do what the patent applicant has done. *Ex parte Levengood*, 28 U.S.P.Q. 1300 (Bd. Pat. App. Int. 1993). The references, when viewed by themselves and not in retrospect, must suggest the invention. *In re Skill*, 187 U.S.P.Q. 481 (C.C.P.A. 1975).

Claims 5, 6, 12 and 13 have been amended to more clearly define the subject matter of the claimed invention. Claims 5, 6, 11 and 13 are all independent claims.

Regarding Claims 12 and 13

The amended Claims 12 and 13 include, *inter alia*, the following limitation:

a pretreatment head for applying a pretreatment liquid to the fabric by jetting the pretreatment liquid toward the surface of the fabric, the pretreatment liquid comprising a plurality of pretreatment compositions;

a pretreatment liquid reservoir comprising a plurality of containers each filled with the respective pretreatment compositions, the pretreatment compositions being individually selected from the containers to form the pretreatment liquid depending upon the type of the fabric, the pretreatment liquid reservoir supplying the pretreatment liquid to the pretreatment head

(Emphasis added)

As above, the claimed invention includes a pretreatment head for applying a pretreatment liquid comprising a plurality of pretreatment compositions, and a pretreatment liquid reservoir designed to prepare the pretreatment liquids having different compositions and supply them to the pretreatment head. More specifically, the pretreatment liquid reservoir includes a plurality of containers, which are filled with different pretreatment compositions respectively. Further, the pretreatment reservoir is configured to individually select the pretreatment compositions and prepare a pretreatment liquid, i.e., having different pretreatment compositions depending upon the types of the fabric.

Nakamura is directed to a method of ink-jet printing fabric composed of synthetic and cellulose fibers. Nakamura discloses pretreatment materials. However, it is respectfully submitted that Nakamura is silent about Applicants' pretreatment liquid reservoir devised to prepare and supply different pretreatment liquids, depending upon the types of fabrics.

Miyata is directed to an ink jet recording method and apparatus. Miyata is configured such that, whenever the fabric being fed changes, a different treatment liquid appropriate thereto must be externally prepared and supplied to the device. In contrast, the claimed pretreatment liquid reservoir is especially designed and structured to internally prepare the pretreatment liquid using the pretreatment compositions pre-filled in a plurality of containers, selectively depending upon the types of fabrics.

Thus, Applicants submit that Miyata does not teach or suggest the claimed structure of pretreatment liquid reservoir as recited in the amended Claims 11 and 13. Applicants respectfully request the Examiner to point out where in Miyata discloses the claimed pretreatment liquid reservoir having plural containers pre-filled with different pretreatment compositions, which is configured to be selectively and individually selected to prepare different compositions of pretreatment liquids adapted to different types of fabrics being fed to the system, without necessity of interrupting the entire system to supply a different composition whenever the fabric being fed changes.

Where the claimed and prior art products are identical or substantially identical in structure or composition, or are produced by identical or substantially identical processes, a *prima facie* case of either anticipation or obviousness has been established. *In re Best*, 562 F.2d 1252, 1255, 195 USPQ 430, 433 (CCPA 1977). When the PTO shows a sound basis for believing that the products of the applicant and the prior art are the same, the applicant has the burden of showing that they are not. *In re Spada*, 911 F.2d 705, 709, 15 USPQ2d 1655, 1658 (Fed. Cir. 1990). MPEP 2112.01 (Emphasis added)

Applicants respectfully submit that Nakamura and Miyata, either alone or in combination, fails to teach or suggest the claimed structure of pretreatment liquid reservoir having a plurality of containers filled with different pretreatment compositions, so that different compositions of pretreatment liquid can be prepared, internally and in real time, and applied to the fabrics, depending upon the types of fabric, as recited in the amended Claims 12 and 13.

It is therefore submitted that neither Nakamura nor Miyata, either alone or in combination, teaches or suggests the subject matter claimed in the amended Claims 12 and 13, and thus *no suggestion or motivation* exists in the cited references. Accordingly, *prime facie* obviousness does not exist regarding the subject matter claimed in Claims 12 and 13 with respect to the cited references.

Applicants respectfully submit that Claims 12 and 13 are now allowable over Nakamura and Miyata.

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Regarding Claims 5 and 6

The amended Claims 5 and 6 are directed to a method of printing a textile using the apparatus recited in the amended Claims 12 and 13 respectively.

Thus, the above discussions in connection with Claims 12 and 13 and the Nakamura and Miyata references apply to the amended Claims 5 and 6, in substantially the same manners.

Applicants respectfully submit that neither Nakamura nor Miyata, either alone or in combination, teaches or suggests the subject matter claimed in the amended Claims 5 and 6, and thus *no suggestion or motivation* exists in the cited references. Accordingly, *prime facie* obviousness does not exist regarding the subject matter claimed in Claims 5 and 6 with respect to the cited references.

Applicants respectfully submit that Claims 5 and 6 are now allowable over Nakamura and Miyata.

Applicants respectfully request the Examiner to review these submissions and withdraw the rejection on Claims 5, 6, 12 and 13 under 35 U.S.C. §103(a).

Conclusion

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Reconsideration and subsequent allowance of this application are courteously requested.

If there are any charges due with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorneys.

The Examiner is invited to contact Applicants' Attorneys at the below-listed telephone number with any questions or comments regarding this Response or otherwise concerning the present application.

Respectfully submitted,

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